

REMARKS

Applicant respectfully requests reconsideration. Claims 1-3 and 5-10 were previously pending in this application. By this amendment, Applicant has amended claim 1. New claims 22-24 have been added.

As a result, claims 1-3, 5-10 and 22-24 are pending for examination, with claims 1 and 22 being independent. No new matter has been added.

Rejections Under 35 U.S.C. §103

In Section 3 of the Office Action, the Examiner responded to Applicants' arguments submitted on December 18, 2008, by pointing out that claim 1 does not require that a text message be synthesized into speech. As amended herein, such a limitation appears in claim 1. Accordingly, as amended, the claims distinguish over the cited references.

As a further reason that the rejection should be withdrawn, Applicants respectfully submit that the prior art has not been viewed as a whole. Rather, bits and pieces of the references have been improperly selected out of context to make a rejection under 35 U.S.C. §103.

For example, the rejection is premised on, among other things, a combination of a translation function of Kredo with a text to speech generation function of Jong. Kredo describes translation of "select words or phrases into numbers, acronyms, icons, or abbreviations, as is standard practice for IM" (col. 7, lines 6-8). It is clear from the reference that an output of the described function may be icons or other non-textual data.

The function of Kredo, to which this output purportedly would be supplied according to the rejection, operates only on text input. There is nothing to indicate how this function of Kredo would or even could be performed if its input included the non-textual components that would result from combining the references as asserted in the Office Action.

Consequently, the feature of Kredo relied on in rejecting the claim is technically incompatible with the feature of Jong that is used in rejecting the claim. Accordingly, the references do not establish a *prima facie* case of obviousness.

The analysis stated in the Office Action does not alter the conclusion that the references are incompatible. The Response to Arguments section of the Office Action highlights scenarios in which the translation function of Kredo outputs acronyms and abbreviations that could be converted to a voice output. However, this reasoning fails to consider the teaching of the reference as a whole. When considered as a whole, there is no reason to combine the references.

The feature of Kredo relied upon by the Examiner in rejecting the claims produces an output that is intended for visual display. This intended use is clear from the reference as a whole, which describes that the output may contain icons – i.e., graphical elements – and only describes that the information generated using the translation feature of Kredo is provided through a user computer (Col. 7, lines 12-15). Even if some text were present, it would not alter the clearly intended use of this feature of Kredo for producing a visual display.

Jong is cited for a proposition unrelated to producing a visual display. Thus, one of skill in the art would have had no reason to combine the portions of Kredo and Jong relied upon to reject the claim. For this additional reason, the rejection of claim 1 should be withdrawn.

Each of claims 2-3 and 5-10 depends, directly or indirectly, from claim 1 and should be allowed at least based on their dependency. Applicants do not necessarily concur with the interpretation of the depended claims as set forth in the Office Action, nor do Applicants necessarily concur that the basis for rejection of any of the dependent claims is proper. However, Applicants believe that it is unnecessary to argue the allowability of each of the dependent claims individually. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

New Claims

New claims 22-24 relate to a method of use of a mobile phone that transmits SMS messages. These claims are supported by the description throughout the application as filed, including at [0005] and the Title.

Applicants respectfully submit that the references, even if combined, do not teach such a use of a mobile phone. Kredo clearly teaches that the telephony user provides and receives audible

messages (col. 3, lines 2-3), which is inconsistent with the claim. Marko relates to a radio system, which is understood to refer to broadcast radio [0005]. Jong describes devices connected to the Internet (col. 2, line 64). Thus, even if these references were combined, the combination would not meet limitations of claim 22, such as “within the mobile phone, transcribing the speech input to text” and “transmitting from the mobile phone a stream of SMS messages to the second party,” as recited in claim 22. Accordingly, claim 22 distinguishes over the cited references and should be allowed.

Claims 23-24 depend from claim 22 and likewise distinguish over the cited references.

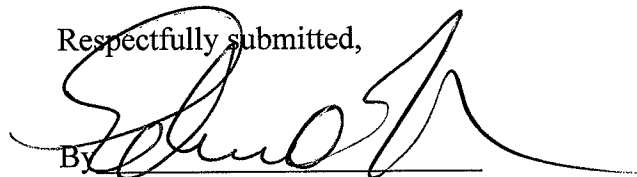
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. N0484.70557US00 from which the undersigned is authorized to draw.

Dated: May 21, 2009

Respectfully submitted,



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